



Journal of the House

State of Indiana

115th General Assembly

First Regular Session

Sixth Meeting Day

Wednesday Afternoon

January 17, 2007

The House convened at 1:00 p.m. with Speaker B. Patrick Bauer in the Chair.

The Speaker stated, "Having conferred with the Attorney General and no objection raised, the temporary House policy while the prayer lawsuit is pending in the courts will be a scripted prayer."

The Speaker read a prayer for wisdom and service (printed January 9, 2007).

The Pledge of Allegiance to the Flag was led by Representative Phillip Pflum.

The Speaker ordered the roll of the House to be called:

| | |
|--------------------|-------------|
| Austin | Gutwein |
| Avery | E. Harris |
| Bardon | T. Harris |
| Battles | Herrell |
| Behning | Hinkle |
| Bell | Hoy |
| Bischoff | Kersey |
| Borders | Klinker |
| Borror | Knollman |
| Bosma | Koch |
| C. Brown | Kuzman |
| T. Brown | L. Lawson |
| Buck | Lehe |
| Buell | Leonard |
| Burton | Lutz |
| Candelaria Reardon | Mays |
| Cheatham | McClain |
| Cheney | Micon |
| Cherry | Moses |
| Cochran | Murphy |
| Crawford | Neese |
| Crooks | Niezdowski |
| Crouch | Noe |
| Davis | Orentlicher |
| Day | Oxley |
| Dembowski | Pelath |
| Denbo | Pflum |
| Dermody | Pierce |
| Dickinson | Pond |
| Dobis | Porter |
| Dodge | Reske |
| Duncan | Richardson |
| Dvorak | Ripley |
| Eberhart | Robertson |
| Elrod | Ruppel |
| Espich | Saunders |
| Foley | M. Smith |
| Friend | V. Smith |
| Frizzell | Soliday |
| Fry | Stemler |
| GiaQuinta | Stevenson |
| Goodin | Stilwell |
| Grubb | Stutzman |

Summers
Thomas
Thompson
Tincher
Torr
Turner
Tyler

Ulmer
VanHaaften
Walorski
Welch
Whetstone
Wolkins
Mr. Speaker

Roll Call 6: 95 present; 5 excused. The Speaker announced a quorum in attendance. [NOTE: indicates those who were excused.]

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Thursday, January 18, 2007, at 1:00 p.m.

OXLEY

Motion prevailed.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has adopted the following motion:

"I move that Senators Steele, Becker, Rogers, and Mrvan be appointed as a committee of four members of the Senate to act with a like committee of the House of Representatives to wait upon the Chief Justice and to escort him to the Chambers of the House of Representatives to deliver his message to the General Assembly on January 17, 2007."

MARY C. MENDEL

Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolution 9 and the same is herewith transmitted to the House for further action.

MARY C. MENDEL

Principal Secretary of the Senate

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 9

The Speaker handed down Senate Concurrent Resolution 9, sponsored by Representative Elrod:

A CONCURRENT RESOLUTION honoring the Indiana/World Skating Academy and its outstanding coaches and athletes.

Whereas, the Indiana/World Skating Academy provides for both the physical and educational needs of the amateur and professional athletes who come to train at their world class facility;

Whereas, the coaches of the Indiana/World Skating Academy, including Elena and Serguei Zaitsev, Kelley Morris-Adair, Kim Seybold Catron, Elizabeth Fernandez and Mayor Wayne Seybold continued the tradition of excellence by capturing numerous ice skating accolades at competitions across the country;

Whereas, competing against top-ranked ice skaters from around the world, Indiana/World Skating Academy proteges

Cassie Andrews of Mays, Indiana and Nicholas Anderson of Nashville, Tennessee won the 2007 United State Intermediate Pair Championship and the 2006 United States Juvenile Pair Championship;

Whereas, local pair Carly and David Powers of LaPorte, Indiana competed for and won the 2007 United States Juvenile Pair Championship;

Whereas, local singles Abigail Legg of Indianapolis, Indiana and Cara Kinney of Noblesville, Indiana, each won medals at the 2007 Eastern Great Lakes Championship;

Whereas, Lily Pixley and John Salway of Fort Wayne, Indiana, Angelica Gervasio of Chicago, Illinois, Brandon Moore of Indianapolis, Indiana, and Kacie Kotnik of Columbus, Indiana all qualified for their respective competitions;

Whereas, Danielle Seitz of Indianapolis will represent Indiana at the 2007 United States Figure Skating Championship; and

Whereas, the People of Indiana are proud of the Indiana/World Skating Academy, and the achievements of its many outstanding coaches and athletes: Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. That on behalf of the People of Indiana, the Indiana General Assembly congratulates the Indiana/World Skating Academy, its coaches and athletes.

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this resolution to Pamela Robinson, executive director of the Indiana/World Skating Academy; Coaches Elena and Serguei Zaitsev, Kelley Morris-Abdair, Kim Seybold Catron, Elizabeth Fernandez and Mayor Wayne Seybold; and skaters Danielle Seitz, Cassie Andrews, Nicholas Anderson, Carly and David Powers, Abigail Legg, Cara Kinney, Lily Pixley, John Salway, Angelica Gervasio, and Kacie Kotnik.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

INTRODUCTION OF BILLS

The following bills were read a first time by title and referred to the respective committees:

HB 1002 — Rules

Committee on Rules and Legislative Procedures

A BILL FOR AN ACT concerning the Indiana Code.

HB 1003 — Rules

Committee on Rules and Legislative Procedures

A BILL FOR AN ACT concerning the Indiana Code.

HB 1004 — Rules

Committee on Rules and Legislative Procedures

A BILL FOR AN ACT concerning the Indiana Code.

HB 1005 — Rules

Committee on Rules and Legislative Procedures

A BILL FOR AN ACT concerning the Indiana Code.

HB 1006 — Rules

Committee on Rules and Legislative Procedures

A BILL FOR AN ACT concerning the Indiana Code.

HB 1007 — Rules

Committee on Rules and Legislative Procedures

A BILL FOR AN ACT concerning the Indiana Code.

HB 1008 — Rules

Committee on Rules and Legislative Procedures

A BILL FOR AN ACT concerning the Indiana Code.

HB 1009 — Rules

Committee on Rules and Legislative Procedures

A BILL FOR AN ACT concerning the Indiana Code.

HB 1010 — Rules

Committee on Rules and Legislative Procedures

A BILL FOR AN ACT concerning the Indiana Code.

HB 1822 — Rules

Committee on Rules and Legislative Procedures

A BILL FOR AN ACT concerning the Indiana Code.

HB 1823 — Rules

Committee on Rules and Legislative Procedures

A BILL FOR AN ACT concerning the Indiana Code.

HB 1824 — Rules

Committee on Rules and Legislative Procedures

A BILL FOR AN ACT concerning the Indiana Code.

HB 1825 — Rules

Committee on Rules and Legislative Procedures

A BILL FOR AN ACT concerning the Indiana Code.

HB 1826 — Rules

Committee on Rules and Legislative Procedures

A BILL FOR AN ACT concerning the Indiana Code.

HB 1827 — Rules

Committee on Rules and Legislative Procedures

A BILL FOR AN ACT concerning the Indiana Code.

HB 1828 — Rules

Committee on Rules and Legislative Procedures

A BILL FOR AN ACT concerning the Indiana Code.

HB 1829 — Rules

Committee on Rules and Legislative Procedures

A BILL FOR AN ACT concerning the Indiana Code.

HB 1830 — Rules

Committee on Rules and Legislative Procedures

A BILL FOR AN ACT concerning the Indiana Code.

HB 1831 — Rules

Committee on Rules and Legislative Procedures

A BILL FOR AN ACT concerning the Indiana Code.

HB 1832 — Rules

Committee on Rules and Legislative Procedures

A BILL FOR AN ACT concerning the Indiana Code.

HB 1833 — Rules

Committee on Rules and Legislative Procedures

A BILL FOR AN ACT concerning the Indiana Code.

HB 1834 — Rules

Committee on Rules and Legislative Procedures

A BILL FOR AN ACT concerning the Indiana Code.

HB 1835 — Rules

Committee on Rules and Legislative Procedures

A BILL FOR AN ACT concerning the Indiana Code.

HB 1836 — Rules

Committee on Rules and Legislative Procedures

A BILL FOR AN ACT concerning the Indiana Code.

HB 1837 — Rules

Committee on Rules and Legislative Procedures

A BILL FOR AN ACT concerning the Indiana Code.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, to which was referred House Bill 1084, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 9, nays 0.

VAN HAAFTEN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1117, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 11, nays 0.

AUSTIN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred House Bill 1129, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17, begin a new paragraph and insert:

"SECTION 1. IC 5-14-1.5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. For the purposes of this chapter:

(a) "Public agency" means the following:

(1) Any board, commission, department, agency, authority, or other entity, by whatever name designated, exercising a portion of the executive, administrative, or legislative power of the state.

(2) Any county, township, school corporation, city, town, political subdivision, or other entity, by whatever name designated, exercising in a limited geographical area the executive, administrative, or legislative power of the state or a delegated local governmental power.

(3) Any entity which is subject to either:

(A) budget review by either the department of local government finance or the governing body of a county, city, town, township, or school corporation; or

(B) audit by the state board of accounts.

(4) Any building corporation of a political subdivision of the state of Indiana that issues bonds for the purpose of constructing public facilities.

(5) Any advisory commission, committee, or body created by statute, ordinance, or executive order to advise the governing body of a public agency, except medical staffs or the committees of any such staff.

(6) The Indiana gaming commission established by IC 4-33, including any department, division, or office of the commission.

(7) The Indiana horse racing commission established by IC 4-31, including any department, division, or office of the commission.

(b) "Governing body" means two (2) or more individuals who are:

(1) a public agency that:

(A) is a board, a commission, an authority, a council, a committee, a body, or other entity; and

(B) takes official action on public business;

(2) the board, commission, council, or other body of a public agency which takes official action upon public

business; or

(3) any committee appointed directly by the governing body or its presiding officer to which authority to take official action upon public business has been delegated. An agent or agents appointed by the governing body to conduct collective bargaining on behalf of the governing body does not constitute a governing body for purposes of this chapter.

(c) "Meeting" means a gathering of a majority of the governing body of a public agency for the purpose of taking official action upon public business. It does not include:

(1) any social or chance gathering not intended to avoid this chapter;

(2) any on-site inspection of any project or program;

(3) traveling to and attending meetings of organizations devoted to betterment of government; or

(4) a caucus;

(5) a meeting between one (1) member of the governing body and at least one (1) other individual who is not a member of the governing body concerning public business;

(6) a gathering to receive information about an industrial or commercial prospect that does not include a discussion of the terms of a request or an offer of public financial resources; or

(7) a gathering for the sole purpose of administering an oath of office to an individual.

(d) "Official action" means to:

(1) receive information;

(2) deliberate;

(3) make recommendations;

(4) establish policy;

(5) make decisions; or

(6) take final action.

(e) "Public business" means any function upon which the public agency is empowered or authorized to take official action.

(f) "Executive session" means a meeting from which the public is excluded, except the governing body may admit those persons necessary to carry out its purpose.

(g) "Final action" means a vote by the governing body on any motion, proposal, resolution, rule, regulation, ordinance, or order.

(h) "Caucus" means a gathering of members of a political party or coalition which is held for purposes of planning political strategy and holding discussions designed to prepare the members for taking official action.

(i) "Deliberate" means a discussion which may reasonably be expected to result in official action (defined under subsection (d)(3), (d)(4), (d)(5), or (d)(6)).

(j) "News media" means all newspapers qualified to receive legal advertisements under IC 5-3-1, all news services (as defined in IC 34-6-2-87), and all licensed commercial or public radio or television stations.

(k) "Person" means an individual, a corporation, a limited liability company, a partnership, an unincorporated association, or a governmental entity.

SECTION 2. IC 5-14-1.5-3.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 3.1. (a) A governing body of a public agency violates this chapter if members of the governing body participate in a series of at least two (2) gatherings of members of the governing body and the series of gatherings meets:**

(1) the definition of "meeting" under section 2 of this chapter; and

(2) all of the following criteria:

(A) Each gathering is attended by at least two (2) members but less than a quorum of the members of the governing body.

(B) The sum of the number of different members of the governing body attending any of the gatherings equals at least a quorum of the governing body.

(C) All the gatherings concern the same subject matter and are held within a period of not more than seven (7) days.

(D) The gatherings are held to take official action on public business.

For purposes of this subsection, a member of a governing body attends a gathering if the member is present at the gathering in person or if the member participates in the gathering by telephone or other electronic means, excluding electronic mail."

Page 2, delete lines 1 through 16.

Page 2, line 17, delete "(c)" and insert "(b)".

Page 2, between lines 18 and 19, begin a new paragraph and insert:

"SECTION 3. IC 5-14-1.5-6.1, AS AMENDED BY P.L.101-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6.1. (a) As used in this section, "public official" means a person:

(1) who is a member of a governing body of a public agency; or

(2) whose tenure and compensation are fixed by law and who executes an oath.

(b) Executive sessions may be held only in the following instances:

(1) Where authorized by federal or state statute.

(2) For discussion of strategy with respect to any of the following:

(A) Collective bargaining.

(B) Initiation of litigation or litigation that is either pending or has been threatened specifically in writing.

(C) The implementation of security systems.

(D) The purchase or lease of real property by the governing body up to the time a contract or option to purchase or lease is executed by the parties.

However, all such strategy discussions must be necessary for competitive or bargaining reasons and may not include competitive or bargaining adversaries.

(3) For discussion of the assessment, design, and implementation of school safety and security measures, plans, and systems.

(4) Interviews with industrial or commercial prospects or agents of industrial or commercial prospects by the Indiana economic development corporation, the office of tourism development, the Indiana finance authority, or ~~economic development commissions~~; **a governing body of a political subdivision.**

(5) To receive information about and interview prospective employees.

(6) With respect to any individual over whom the governing body has jurisdiction:

(A) to receive information concerning the individual's alleged misconduct; and

(B) to discuss, before a determination, the individual's status as an employee, a student, or an independent contractor who is:

(i) a physician; or

(ii) a school bus driver.

(7) For discussion of records classified as confidential by state or federal statute.

(8) To discuss before a placement decision an individual student's abilities, past performance, behavior, and needs.

(9) To discuss a job performance evaluation of individual employees. This subdivision does not apply to a discussion of the salary, compensation, or benefits of employees during a budget process.

(10) When considering the appointment of a public official, to do the following:

(A) Develop a list of prospective appointees.

(B) Consider applications.

(C) Make one (1) initial exclusion of prospective appointees from further consideration.

Notwithstanding IC 5-14-3-4(b)(12), a governing body may release and shall make available for inspection and copying in accordance with IC 5-14-3-3 identifying information concerning prospective appointees not initially excluded from further consideration. An initial exclusion of prospective appointees from further consideration may not reduce the number of prospective appointees to fewer than three (3) unless there are fewer than three (3) prospective appointees. Interviews of prospective appointees must be conducted at a meeting that is open to the public.

(11) To train school board members with an outside consultant about the performance of the role of the members as public officials.

(12) To prepare or score examinations used in issuing licenses, certificates, permits, or registrations under IC 15-5-1.1 or IC 25.

(13) To discuss information and intelligence intended to prevent, mitigate, or respond to the threat of terrorism.

(c) A final action must be taken at a meeting open to the public.

(d) Public notice of executive sessions must state the subject matter by specific reference to the enumerated instance or instances for which executive sessions may be held under subsection (b). The requirements stated in section 4 of this chapter for memoranda and minutes being made available to the public is modified as to executive sessions in that the memoranda and minutes must identify the subject matter considered by specific reference to the enumerated instance or instances for which public notice was given. The governing body shall certify by a statement in the memoranda and minutes of the governing body that no subject matter was discussed in the executive session other than the subject matter specified in the public notice.

(e) A governing body may not conduct an executive session during a meeting, except as otherwise permitted by applicable statute. A meeting may not be recessed and reconvened with the intent of circumventing this subsection."

Renumber all SECTIONS consecutively.

(Reference is to HB 1129 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 1.

STEVENSON, Chair

Report adopted.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1034

Representative Grubb called down Engrossed House Bill 1034 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration and to make an appropriation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 7: yeas 88, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Merritt and Lewis.

Engrossed House Bill 1226

Representative Grubb called down Engrossed House Bill 1226 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 8: yeas 89, nays 4. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Steele and Lewis.

The House recessed until the fall of the gavel.

RECESS

JOINT CONVENTION

The members of the 115th General Assembly, meeting in Joint Convention, were called to order at 1:30 p.m. by the Speaker.

The Speaker introduced the Senate leadership, President Pro Tempore David Long, Majority Floor Leader Connie Lawson, Majority Caucus Chair James Merritt, Minority Floor Leader Richard D. Young, Assistant Minority Floor Leader Vi Simpson, and Minority Caucus Chair Sam Smith; the House leadership, Majority Floor Leader Russell L. Stilwell, Majority Caucus Chair F. Dale Grubb, Speaker Pro Tempore Chester F. Dobis, Minority Leader Brian C. Bosma, Minority Floor Leader William C. Friend, and Minority Caucus Chair Kathy Kreag Richardson; and the honored guests as follows: Justices Brent Dickson, Frank Sullivan, Ted Boehm, and Robert Rucker of the Indiana Supreme Court; Chief Judge James S. Kirsch, Judge Nancy H. Vaidik, Judge Paul D. Mathias, Judge Michael P. Barnes, Judge Terry A. Crone, Judge Patrick D. Sullivan, Judge John G. Baker, Judge John T. Sharpnack, Judge Edward W. Najam, Jr., Judge Carr L. Darden, Judge Mark Bailey, Judge Melissa S. May, and Judge Margret G. Robb of the Indiana Court of Appeals; Amy MacDonell Shepard, wife of Chief Justice Shepard; Mattie Shepard, daughter of Chief Justice Shepard; Jan Dickson, wife of Justice Brent Dickson; Mary Kay Orr, wife of the late Governor Robert D. Orr; Attorney General Steve Carter; Tim Berry, Auditor of State, Richard Mourdock, Treasurer of State; Paul Okeson, Deputy Secretary of State; Indiana State Bar Association President Richard Eynon; Indiana State Bar Association President-elect Doug Church; Executive Director of the Indiana State Bar Association Tom Pyrz; Marion Superior Court Judge Cynthia Ayers; president of the Indianapolis Bar Association; Kevin McGoff, Indianapolis Bar Association President-elect; Julie Armstrong, Executive Director of the Indianapolis Bar Association; Cassandra Giles, Vice President of the Marion County Bar Association; and Daryl Yost, James Young, and Mark Lubbers, members of the Indiana Judicial Qualifications Commission; Governor Mitch Daniels; and Lieutenant Governor Becky Skillman.

The Speaker yielded the gavel to Lieutenant Governor Becky Skillman, President of the Senate, who convened the joint session and presented the Chief Justice as follows:

"Members of the Joint Assembly: Pursuant to Section 3 of Article 7 of the Constitution of the State of Indiana, this joint session of the two houses of the Indiana General Assembly is now convened for the purpose of hearing a message from the Chief Justice of the Supreme Court of the State of Indiana.

It is my privilege to present to you the distinguished Chief Justice of the Supreme Court, the Honorable Randall T.

Shepard."

Chief Justice Shepard was escorted to the rostrum by Representatives Cheatham, Candelaria Reardon, Elrod, and Thomas and Senators Steele, Becker, Rogers, and Mrvan.

"Most Justice Happens in the County Courthouse"

"Governor Daniels and Members of the General Assembly:

When I have been privileged to give you this annual report, I have usually spoken less about the Supreme Court or the Court of Appeals or the Tax Court, and focused instead on advances we have made in Indiana's trial courts, in the county courthouses, or in our city and town courts.

This emphasis flows partly from the fact that the Constitution requires that I report to you on the "condition of the courts" generally and designates my office as Chief Justice of Indiana rather than Chief Justice of the Supreme Court.

There is a more important reason why I spend so much time and energy on the work of Indiana's trial courts. There were about 1.6 million new cases filed last year (about 70,000 more than the year before). More than 99% of those cases started and finished before a judge or jury in a trial court. Put another way, like justice in every state, justice in Indiana is either delivered or not delivered in the 170 courthouses and city and town halls where we hold court. Nothing in state government engages more Hoosiers more often than the court system. Maybe forty percent of the adult population comes through our doors in any given twelve months.

This is hardly a new feature of American life. You will recall that a young Frenchman named Alexis de Tocqueville came through America during the early 1830s, and his journals reflect that the widespread and local nature of the system of justice made a strong impression on him.

An Electronic BMV System

I was reminded of this recently as I worked through a pile of invoices for payments to local courts, places like Bluffton, East Chicago, Aurora, and Evansville. You know that our most ambitious project is the creation of a statewide case management system, to which we are completely committed. But that pile of invoices reflected a genuine success achieved in 2006.

Automobiles are everywhere, and the traffic violation system is a feature of government that finds its way into every metropolis and every hamlet. People who plead guilty or who are found guilty of speeding, or running a stop sign, or drunk driving are penalized and the record of that goes to Indianapolis, from time immemorial, on paper. Somebody in the courthouse typed up a report and mailed it to Indianapolis, where another public employee keypunched it in again.

Since the early 1990s, the Bureau of Motor Vehicles has been striving to arrange for this to be done electronically. But by the beginning of 2005, of the 200 courts where most traffic cases are heard, just 33 had been enlisted to transmit electronically. Today, two years later, 156 courts do that.

This progress has been possible only because of the efforts of the Judicial Technology and Automation Committee (JTAC), chaired by Frank Sullivan, and the staff who work for Lilly Judson, State Court Administrator, and Mary DePrez, and by the excellent cooperation we have received from the Bureau of Motor Vehicles.

Why does that matter? Under the paper system it took seven weeks for data from local courts to show up in the state's computers. So, the fellow who got arrested for drunk driving and had his license suspended pending trial could leave the courthouse in his car, head toward the tavern, and when stopped for running a red light be turned loose, because the information

available to the officer showed the driver had a license in good standing. Those days will soon be gone.

Combating Domestic Violence

And that brings me to something else we are doing in technology—to help combat domestic violence. Just yesterday, we began the first operation of a new electronic registry for protective orders in two lead counties, Blackford and Tippecanoe. A major hole in the protective shield that these orders represent has been the inability of law enforcement officers to access protective orders. When a battered ex-spouse calls the police because she sees her abuser waiting outside a restaurant in Blackford County, how does the responding officer know whether the court next door in Delaware County actually issued a protective order, or what that order requires?

Now, officers will be able to access protective orders electronically statewide to better protect domestic violence victims, 9000 of whom fled to shelters last year. This, too, has only been possible through close collaboration among our court technology staff, local courts and prosecutors, by JTAC, the Indiana Criminal Justice Institute, and the State Police. We can do more to protect these victims, and we will.

Better Advocacy for Children

Our work protecting children at risk is also changing dramatically as we implement the decision you made during the 2005 session to mandate court appointment of an advocate for every child who comes to court because of abuse or neglect. This mandate was good policy, which is why it passed both houses by unanimous votes. We are implementing it in the most cost-effective way possible: recruiting and training volunteers to be mentors and advocates for the abused or neglected child and only for the child, one child at a time.

This sort of child advocacy and mentoring, like the increase in child protective caseworkers you authorized, can really matter.

Kelly Russell came into the juvenile system when she was eleven. She and her two brothers lived in a house where their parents manufactured meth. Over the seven years Kelly spent under agency and court protection, she stayed in four foster homes, two residential homes, three juvenile facilities, and the Girls' School. One of the few stable and consistent figures in Kelly's life was her court-appointed volunteer advocate Gloria Parish. Kelly is today a biology graduate of Purdue University, she's married, lives in West Lafayette, volunteers her own time to train new child advocates and tells anybody who'll listen that she wouldn't be where she is today if she didn't have Gloria Parish.

We have to do everything we can to replicate that story. It's why the decision you made in 2005 was the right one, even though you knew it would cost some money. The fiscal note for the 2005 legislation was \$4.5 million, but there was no appropriation for the current budget. Fortunately, the Department of Child Services committed \$500,000 in federal funds as a start toward implementing your decision.

The Budget Committee has now recommended an appropriation that approaches the original estimate, Representatives Avery and Klinker have made child advocacy a hallmark of their public service, and it was Governor Daniels who urged these improvements to our child protective arrangements. Today, I just say, in the words of a famous Brit: "Give us the tools, and we will finish the job."

Courts that Solve Problems

I want to report about work in our trial courts to make us smarter about crime. Trial court judges have devised new ways to separate the worst offenders, who should occupy cells at DOC, from defendants who can safely be handled in specialized,

intensive programs close to home. These local initiatives have been spread across the state through the hard work of the judges themselves and through support from our Indiana Judicial Center and from State Court Administration.

You have frequently confirmed these initiatives through legislation and given us the ability to expand the best of them. Ten years ago you asked us to begin certifying local court programs that deal with drug or alcohol offenders and to train their personnel. Does the local court probation officer have the sort of training and support necessary to assess whether an offender can be sent to treatment or must be committed to prison? Five years ago you asked us to begin training and certification for local drug courts. Last year you asked us to begin doing that for "re-entry courts."

The general name for these efforts is "problem-solving courts." This reflects attention paid not just to whether the court conducts a trial and imposes a sentence, but to whether the particular sentence imposed does the best job possible for the least expense at preventing an offender from re-offending. Some city and county governments and local social agencies, and in a few instances Department of Correction, have been willing to put up money to build on this promising approach. So, we now have some 40 communities where these very intensive programs operate.

We have also been examining the effectiveness of these enterprises, drug courts, in five counties. We have early results for two of them. Offenders assigned to the Vanderburgh County Drug Court at a cost that's half what traditional imprisonment costs for comparable offenders, re-offend 17% less often than the people sent to prison. Put another way, the results for the St. Joseph County Drug Court show that 85% of offenders sent to prison are re-arrested within three years, as compared to 54% for drug court offenders. More of this sort of progress can be made in other communities, and we have been grateful for your help in making it happen.

Addressing the Language Barrier

Perhaps the most dramatic sight last year was hundreds of court employees, court clerks and judges trooping off to Spanish class so they could communicate with people who speak little or no English. Think about the variety of questions posed to court staff, such as, "What court do I go to?", "When is my next court date?", "Where is the Clerk's office?", and the ability of court staff to reply to the questions. Language differences can make court processes difficult for everybody.

To help overcome these barriers, the Indiana Supreme Court partnered with Ivy Tech Community College to develop a WorkPlace Spanish® Training Program for Indiana's courts, featuring 24 hours of classroom instruction and a textbook with companion CD to help people maintain the skill learned in class. These classes are held at one of the 17 Ivy Tech regional campuses.

Since the program started last summer, almost 500 people from local court offices and clerks' offices have enrolled in this course from 34 different counties, including Perry, Posey, Pulaski, Scott, St. Joseph, Stark, Tippecanoe, and Tipton. Why does this matter? When interviewed by the *Wabash Plain Dealer*, Judge Robert McCallen told about a student participating in a Day Reporting Program who would periodically turn to his parents in the audience. Judge McCallen first thought that the student was not paying attention to the proceedings, but later realized the student was actually translating for his parents.

Initiatives like this language program, and the enthusiasm with which local court personnel have greeted it, reflect a strong determination to serve people of all backgrounds, litigants, witnesses, relatives, and anyone else who enters the courthouse

hoping for justice.

Such projects might be launched by a single court or a single county, but it is much more difficult. In the example I just mentioned, Judge Barbara Brugnax of Terre Haute generated the idea for a language program. A committee she chaired and our Judicial Center put together the plan with Ivy Tech, tested it in the courts of Vigo County, and then the Supreme Court rolled it out, at state expense, an expense lower than it might have been because we only had to invent it once and because we were buying in volume.

A good court system, like a good state government, has room for both local innovation and state participation. And I want to mention two other areas of court work that might be improved through similar approaches: indigent criminal defense and probation/community corrections. In both of these, Indiana still maintains a relative patchwork, financed partly through local property tax, and partly by fees, and partly by the state general fund. We would represent indigents more effectively and cost-efficiently, and we would save money in the DOC budget, if these efforts were instead budgeted by the state. I mention these today because of the upcoming discussion about property tax relief. Neither of these services represents enough money to stand alone as a means of significant property tax relief, but they would be good parts of a larger package, in part because the burden falls more or less equitably across every county.

Matters "Inside the Limestone"

Now yes, I've spoken today largely about local courts. All of this is not to say we do not tend to our knitting on matters assigned to the appellate courts or court administrative offices here in Indianapolis. Even international events affect our work—as we periodically must replace judges or prosecutors called up for military duty, as Judge Terry Snow was when he recently spent a tour in Afghanistan, or as Judge Matt Hanson will be when he soon goes to Iraq to assist in prisoner evaluation. In another international vein, the need to build new courts in the former Soviet republics has led Indiana's courts to a relationship with the Ukraine, whose judges have been traveling here to learn more about how to run a court system.

And as for appellate litigation, I should mention that while you have periodically added judges and magistrates to deal with growing caseloads in the trial courts, it has been 17 years since we added judges to the Indiana Court of Appeals, and since then the caseload has grown enormously. The Commission on Courts with Senator Bray in the chair and Representative Dvorak making the motion, has recommended adding three judges to the Court of Appeals. There are some natural barriers to this, including "the natural reluctance some might feel about giving a governor from the other party new judicial appointments." Those are the words I used on January 17, 1990, when I asked a Republican Senate and an equally divided House to create judgeships that would be filled by Evan Bayh.

In the end, this has little to do with which party controls which house or who holds the Governor's office. And it's not about light work for appellate judges. The members of our Court of Appeals are working at record levels. It has to do with citizens who will increasingly ask all of us why they have to wait longer for a decision in their case. We are now well above the number of appeals per judge that existed in 1990 when I last asked you to add a panel to the Court of Appeals.

And while we're on changes here in this building, I want to renew the offer I've made before to help make the case to our fellow citizens that better compensation arrangements that permit able people to serve or continue to serve in the legislature or the executive branch is in the best interest of our state's future.

Conclusion

Finally, my profession is often characterized as a center of contention and argument, and there is some truth to that. But it's also a place where good people do many fine things, frequently for pay, frequently for free. Just two weeks ago *The Madison Courier* reported a classic Indiana sort of event. There was an election contest in the joint circuit of Jefferson and Switzerland Counties between a practicing lawyer, Steve Tesmer, and the incumbent judge, Ted Todd. One thing helped set the tone of that campaign. The two candidates promised each other that whoever lost would swear in whoever won. And so it was, on December 29th, that a considerable crowd gathered to watch Steve Tesmer administer the oath to Ted Todd.

I think many people would be surprised to know how often moments with that sort of comradeship and respect occur in politics, in government, in Indiana. We in the judicial branch do what we can to make sure it will always be so.

And, that, ladies and gentlemen, is the state of your judiciary."

The President of the Senate adjourned the joint convention.

The House reconvened at 2:30 p.m. with the Speaker in the Chair.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1029, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 7, nays 5.

PORTER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1059, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 16, delete "States." and insert "States, **including a study of the Holocaust in each high school United States history course.**".

Page 2, delete lines 4 through 5.

Page 2, line 6, reset in roman "(7)".

Page 2, line 6, delete "(8)".

(Reference is to HB 1059 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

PORTER, Chair

Report adopted.

OTHER BUSINESS ON THE SPEAKER'S TABLE

Referrals to Ways and Means

The Speaker announced, pursuant to House Rule 127, that House Bill 1029 had been referred to the Committee on Ways and Means.

Reassignments

The Speaker announced the reassignment of House Bill 1324 from the Committee on Government and Regulatory Reform to the Committee on Commerce, Energy and Utilities.

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed House Bill 1034, Roll Call 7, on January 17, 2007. In support of this petition, I submit the following reason:

"I was present in the Chamber but, when I attempted to vote, the machine had closed. I intended to vote yea."

HOY

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 7 to 88 yeas, 0 nays.*]

HOUSE MOTION

Mr. Speaker: I move that Representative Candelaria Reardon be added as coauthor of House Bill 1029.

HOY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Koch be added as coauthor of House Bill 1113.

DUNCAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Koch be added as coauthor of House Bill 1253.

TINCHER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Eberhart be added as coauthor of House Bill 1293.

BUELL

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Hoy be added as coauthor of House Bill 1349.

WELCH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Koch be added as coauthor of House Bill 1410.

HOY

Motion prevailed.

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative Dvorak, the House adjourned at 2:35 p.m., this seventeenth day of January, 2007, until Thursday, January 18, 2007, at 1:00 p.m.

B. PATRICK BAUER

Speaker of the House of Representatives

CLINTON McKAY

Principal Clerk of the House of Representatives